In re: SEAN M. MURRAY	Case No. 17-44157-ess
	Chapter: 7
Debtor	·(s)
	X
	CATION IN SUPPORT OF DER TO SHOW CAUSE  Bankruntey Judge:
To the Hon. Elizabeth S. Stong	Dankingto, sudgo,
I SEAN M. MURRAY	, Movant herein, make this application in support بب ਜੋਵੇਂ
of my Order to Show Cause to seek e	
	Specialized Loan Servicing LLC in contempt of court for
	scharge injunction, impose any fines, sanctions, punitive confirm cancellation of the March 21, 2018 auction of 35-21
	ubject to the LOSS MITIGATION ORDER dated February
23, 2018.	
In support of the relief request	
-	y the debtor. On 8/14/2017 Nationstar Mortgage LLC sent
*	omatic stay. On 9/15/2017 and 12/06/2017 Nationstar
	t correspondence in violation of the automatic stay. On
	alf of Specialized Loan Servicing LLC sent Notice of
	by the order docket number 24 dated December 8, 2017.
Exhibits attached.	by the order docket humber 24 dated December 6, 2017.
Exhibits attached.	<del></del>
•	for the entry of an Order to Show Cause granting the relief
requested.	†
Dated: March 20, 2018	By: Signature of movant)
7	Type or Print Name: SEAN M. MURRAY
1	
1	Address: P.O. BOX 1110
1	
	Address: P.O. BOX 1110

	RETURN DATE:
UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF NEW YORK	
In re: SEAN M. MURRAY	Case No. 17-44157-ess
	Chapter: 7
Debtor(s)X ORDER TO SE	IOW CAUSE
an Order to Hold Nationstar Mortgage LLC and Specialis	SEAN M. MURRAY seeking entry of zed Loan Servicing LLC in contempt of court for violation of the sanctions, punitive damages, treble damages, costs and confirm
cancellation of the March 21, 2018 auction of 35-21 79th S	treet Apartment 4E. it is
ORDERED that or as soo	show cause ato'clock
Honorable Elizabeth S. Stong Bankruptcy	
States Bankruptcy Court located at	
should not enter an Order to	
ORDERED that service of this Order to S served on or before the end of the business day on	
	, and
upon the Trustee atStates Trustee.	and Office
<b>ORDERED</b> that objections, if any, to the set forth with particularity, the grounds for such o Court along with an extra copy marked "Chamber the Movant on or before	s Copy," Trustee, United States Trustee, and
<b>ORDERED</b> that the hearing scheduled he to time, without further notice other than announce court.	rein may be adjourned by the Court, from time ement of the adjourned hearing date in open
Dated:	
,	United States Bankruptcy Judge

Case No. 17-44157-ess Chapter: 7
OF SERVICE
, a copy of the annexed papers was served
ssed postage-paid envelope, in an official
States Postal Service within the State of New
address of each party served]:
Ehret Anne Van Horn, Esq. Gross Polowy, LLC 1775 Wehrle Drive, Suite 100 Williamsville, NY 14221  Office of the United States Trustee Eastern District of NY (Brooklyn) US Federal Office Building 201 Varick Street, Suite 1006 New York, NY 10014

Dated: March 20, 2018

SEAN M. WWWAY
(Signature)

Hawaii Residents: If you believe a loss mitigation option request has been wrongly denied, you may file a complaint with the state division of financial institutions at 808-586-2820 or http://cca.hawaii.gov/dfi/.

New York Residents: Nationstar Mortgage LLC is licensed by the New York City Department of Consumer Affairs License Number: 1392003. If you believe a Loss Mitigation request has been wrongly denied, you may file a complaint with the New York State Department of Financial Services at 1-800-342-3736 or www.dfs.ny.gov.

New York Residents Income Disclosure: If a creditor or debt collector receives a money judgment against you in court, state and federal laws may prevent the following types of income from being taken to pay the debt: supplemental security income (SSI); social security; public assistance (welfare); spousal support, maintenance (alimony) or child support; unemployment benefits; disability benefits; workers' compensation benefits; public or private pensions; veterans' benefits; federal student loans, federal student grants, and federal work study funds; and ninety percent of your wages or salary earned in the last sixty days.

Oregon Residents: There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and telephone number of an organization near you, please call 211 or visit www.oregonhomeownersupport.gov. If you need help finding a lawyer, consult the Oregon State Bar's Lawyer Referral Service online at www.oregonstatebar.org or by calling 503-684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at 800-452-7636. Free legal assistance may be available if you are very low income. For more information and a directory of legal aid programs, go to www.oregonlawhelp.org.

North Carolina Residents: Nationstar Mortgage LLC is licensed by the North Carolina Commissioner of Banks, Mortgage Lender License L-103450. Nationstar Mortgage LLC is also licensed by the North Carolina Department of Insurance, Permit Numbers 105369, 112715, 105368, 111828, 112953, and 112954.

If you believe a Loss Mitigation request has been wrongly denied, you may file a complaint with the North Carolina Office of the Commissioner of Banks website www.nccob.gov.

Texas Residents: COMPLAINTS REGARDING THE SERVICING OF A MORTGAGE SHOULD BE SENT TO THE DEPARTMENT OF SAVINGS AND MORTGAGE LENDING, 2601 NORTH LAMAR, SUITE 201, AUSTIN TX 78705. A TOLL-FREE CONSUMER HOTLINE IS AVAILABLE AT 877-276-5550. A complaint form and instructions may be downloaded and printed from the Department's website-located at www.smil.texas.gov or obtained from the department upon request by mail at the address above, by telephone at its toll-free consumer hotline listed above, or by email at smilinfo@smil.texas.gov.



#### Legal Rights and Protections Under the SCRA

Servicemembers on "active duty" or "active service," or a spouse or dependent of such a servicemember may be entitled to certain legal protections and debt relief pursuant to the Servicemembers Civil Relief Act (50 USC App. §§ 501-597b) (SCRA).

## Who May Be Entitled to LegalProtections Under the SCRA?

- Regular members of the U.S. Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard).
- Reserve and National Guard personnel who have been activated and are on Federal active duty.
- National Guard personnel under a call or order to active duty for more than 30 consecutive days under section 502(f) of title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds.
- Active service members of the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration
- Certain United States citizens serving with the armed forces of a nation with which the United States is allied in the
  prosecution of a war or military action.

## What Legal Protections Are Servicemembers Entitled To Under the SCRA?

- The SCRA states that a debt incurred by a servicemember, or servicemember and spouse jointly, prior to entering
  military service shall not bear interest at a rate above 6 % during the period of military service and 90 days thereafter,
  in the case of an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a
  mortgage, or during the period of military service in the case of any other obligation or liability.
- The SCRA states that in a legal action to enforce a debt against real estate that is filled during, or within one year after
  the servicemember's military service, a court may stop the proceedings for a period of time, or adjust the debt. In
  addition, the sale, foreclosure, or seizure of real estate shall not be valid if it occurs during or within 90 days after the
  servicemember's military service unless the creditor has obtained a valid court order approving the sale, foreclosure, or
  seizure of the real estate.
- The SCRA contains many other protections besides those applicable to home loans.

# How Does A Servicemember or Dependent Request Relief Under the SCRA?

- In order to request relief under the SCRA from loans with interest rates above 6% a servicemember or spouse must provide a written request to the lender, together with a copy of the servicemember's military orders. Nationstar Mortgage, Attn: Military Families, PO Box 619098, Dallas, TX 75261-9741
- There is no requirement under the SCRA, however, for a servicemember to provide a written notice or a copy of a servicemember's military orders to the lender in connection with a foreclosure or other debt enforcement action against real estate. Under these circumstances, lenders should inquire about the military status of a person by searching the Department of Defense's Defense Manpower Data Center's website, contacting the servicemember, and examining their files for indicia of military service. Although there is no requirement for servicemembers to alert the lender of their military status in these situations, it still is a good idea for the servicemember to do so.

#### How Does a Servicemember or Dependent Obtain Information About the SCRA?

- Servicemembers and dependents with questions about the SCRA should contact their unit's Judge Advocate, or their installation's Legal Assistance Officer. A military legal assistance office locator for all branches of the Armed Forces is available at http://legalassistance.law.af.mil/content/locator.php
- "Military OneSource" is the U.S. Department of Defense's information resource. If you are listed as entitled to legal
  protections under the SCRA (see above), please go to www.militaryonesource.mil/legal or call 1-800-342-9647 (toll
  free from the United States) to find out more information. Dialing instructions for areas outside the United States are
  provided on the website.

If this account is active or has been discharged in a bankruptcy proceeding, be advised this communications for informational purposes only and not an attempt to collect a debt. Please note, however Nationstar reserves the right to exercise the legal rights only against the property securing the original obligation.





If your account was setup on a monthly electronic funds transfer (ACH) or monthly reoccurrence of Western Union payments for your monthly payment prior to filing bankruptcy, the ACH and Western Union reoccurrence is suspended upon notification of the bankruptcy filing. Nationstar Mortgage LLC doesn't permit loans active within bankruptcy to be setup on a monthly electronic payment transfer. You may send a Western Union monthly; however, when the information from Western Union is received it must not be listed as a reoccurring payment.

If you have any additional questions, including possible loss mitigation opportunities available to help you retain your home, your Dedicated Loan Specialist is Kasey Sides and can be reached at (877)-343-5602 EXT. 6862532 Monday through Friday from 8 a.m. to 5 p.m. (CT) or via mail at P.O. Box 619096 Dallas, TX 75261-9741.

Sincerely,

Nationstar Mortgage Bankruptcy Department

CC:

SEAN MURRAY PO BOX 1110 ALBANY, NY 12201





SEAN MURRAY PO BOX 1110 ALBANY, NY 12201

August 14, 2017

RE: Loan Number:

9916

Case Number: Debtor(s):

1744157 Sean Murray

Property Address: 3521 79th Street 4e

Jackson Heights, NY 11372

#### Dear SEAN MURRAY:

Our records indicate you recently filed for bankruptcy. This letter is for informational purposes only and provides important information for you while your loan is being serviced by the Bankruptcy Department at Nationstar Mortgage LLC.

If you filed for protection under Chapter 7 and would like to reaffirm the debt please contact our office 877-343-5602 to request a Reaffirmation Agreement. The Reaffirmation Agreement must be filed within 45 days of the Meeting of Creditors. You may rescind the agreement at any time prior to the entry of a discharge order in the bankruptcy case or within 60 days of the filing, whichever is longer.

If your client is to retain the property and you are interested in loss mitigation opportunities, please contact our Bankruptcy Loss Mitigation representatives at 877-343-5602 Monday through Friday 8 a.m. to 5 p.m. (CT).

Payments during the pendency of the bankruptcy case can be mailed, sent via Western Union or Money Gram. If you are mailing your payment, please send to the following address and include your loan number.

Nationstar Mortgage LLC PO Box 619094 Dallas, TX 75261-9741

Payments sent via Western Union should reference the following information.

Code City: ASTAR

Code State: TX

Payments sent via Money Gram should utilize reference code: \*\*\*1678\*\*\*

All other correspondence should be sent to:

Nationstar Mortgage LLC PO Box 619096 Dallas, TX 75261-9741





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- "Military OneSource" is the U.S. Department of Defense's information resource. If you are listed as entitled to legal
  protections under the SCRA (see above), please go to www.militaryonesource.mil/legal or call 1-800-342-9647 (toll
  free from the United States) to find out more information. Dialing instructions for areas outside the United States are
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August 14, 2017

SEAN MURRAY PO BOX 1110 ALBANY, NY 12201

Loan # 9916



#### RE: Home Mortgage Assistance Request

#### **SEAN MURRAY**

Nationstar Mortgage LLC would like to provide the opportunity to assist your client with their mortgage. With the debtor in an active bankruptcy, we are seeking your assistance in obtaining information in order to process an accurate evaluation of assistance programs available.

In order to be able to quickly complete any review of assistance requested by your client, or due to current processes requested by bankruptcy district requirements, we are asking for approval of your firm by signature below to be allowed direct contact with your client so that we can discuss any opportunities available or obtain any necessary information in order to promptly complete our review.

Nationstar Mortgage LLC is very aware of the importance of communication while a debtor is in an active bankruptcy case and seek to work with you in regards to providing the best possible scenario for your client regarding their mortgage, while in an active bankruptcy case.

At your earliest convenience, please complete the information below and return with a cover sheet from your firm , by facsimile to 972-459-1611 so that we may have this document for our records

Sincerely,

Nationstar Mortgage LLC
Bankruptcy Department

Bankruptcy Department				
By signature below, authorization is provided for Nationstar Mortgage LLC to have a direct contact with our client (Client Name) for the purpose of abotaining information/discussion of potential loss mitigation/loan assistance program regarding the debtor(s) home mortgage.				
Date	Firm name			
Attorney or authorized party signature				
Firm telephone number	Fax number			

If this debt is in or has been discharged in a bankruptcy proceeding, be advised this communication is not an attempt to collect the debt against you. Please note, however, we reserve the right to exercise the legal rights only against the property securing the original obligation.



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If you or your client have any addition to stions, including available loss mitigation opportunities, your Dedicated Loan Specialist is Kasey Sides and can be reached at (877)-343-5602 EXT. 6862532 Monday through Friday from 8 a.m. to 5 p.m. (CT) or via mail at P.O. Box 619096 Dallas, TX 75261-9741.

Sincerely,

Nationstar Mortgage LLC Bankruptcy Department

cc:

SEAN MURRAY PO BOX 1110 ALBANY, NY 12201

**Enclosure: Authorization Form** 







SEAN MURRAY PO BOX 1110 ALBANY, NY 12201

August 14, 2017

RE: Loan Number:

9916

Case Number:

1744157 Sean Murray

Debtor(s):

Sean Murray

Property Address: 3521 79th Street 4e

Jackson Heights, NY 11372

#### Dear SEAN MURRAY:

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If your client is retaining the property and interested in loss mitigation opportunities, please complete the attached authorization form and return to Nationstar Mortgage. Bankruptcy Loss Mitigation representatives may be contacted at 877-343-5602 Monday through Friday from 8 a.m. to 5 p.m. (CT) or via mall at PO Box 619096, Dallas,TX 75261-9741

Payment during the pendency of the bankruptcy case can be mailed, sent via Western Union or Money Gram. If your client is mailing their payment, please send to the following address and include their loan number.

Nationstar Mortgage LLC PO Box 619094 Dallas, TX 75261-9741

Payments sent via Western Union should reference the following information.

Code City: ASTAR

Code State: TX

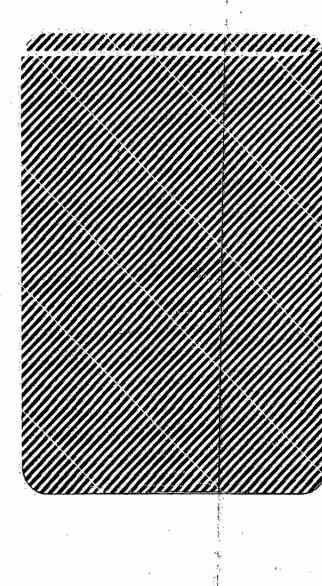
Payments sent via Money Gram should utilize reference code: \*\*\*1678\*\*\*

All other correspondence should be sent to:

Nationstar Mortgage LLC PO Box 619096 Dallas, TX 75261-9741

PLEASE BE ADVISED THIS COMMUNICATION IS SENT FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED AS AN ATTEMPT TO COLLECT, ASSESS, OR RECOVER A CLAIM AGAINST, OR DEMAND PAYMENT FROM, ANY INDIVIDUAL PROTECTED BY THE U.S. BANKRUPTCY CODE. IF THIS ACCOUNT HAS BEEN DISCHARGED IN A BANKRUPTCY PROCEEDING, BE ADVISED THIS COMMUNICATION IS FOR INFORMATIONAL PURPOSES ONLY AND NOT AN ATTEMPT TO COLLECT A DEBT AGAINST YOU; HOWEVER, THE SERVICER/LENDER RESERVES THE RIGHT TO EXERCISE THE LEGAL RIGHTS ONLY AGAINST THE PROPERTY SECURING THE LOAN OBLIGATION, INCLUDING THE RIGHT TO FORECLOSE ITS LIEN UNDER APPROPRIATE CIRCUMSTANCES. NOTHING IN THIS COMMUNICATION SHALL BE CONSTRUED AS AN ATTEMPT TO COLLECT AGAINST THE BORROWER PERSONALLY OR AN ATTEMPT TO REVIVE PERSONAL LIABILITY.





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FIRST-CLASS MAIL
U.S. POSTAGE PAID
44101
PERMIT NO. 965





SEAN MURRAY PO BOX 1110 ALBANY, NY 12201 9/15/17

**OUR INFO** 

**CUSTOMER SERVICE** 

888-480-2432 Mon-Thu 7 am to 8 pm (CT)

Fri Sat 7 am to 6 pm (CT) 8 am to 2 pm (CT)

ONLINE:

www.mrcooper.com

YOUR INFO



PROPERTY ADDRESS

3521 79th Street 4e Jackson Heights, NY 11372

#### Dear SEAN MURRAY:

#### Why am I receiving this letter?

My name is Gary Marks and as of 9/15/17, I am your client's new Dedicated Loan Specialist.

#### What do I need to know?

As you know my role is to serve as your client's single point of contact (SPOC) and help your client with any issues they may have making their mortgage payment. Here's my contact information:

SPOC Name:

Gary Marks

SPOC Phone/Ext.:

866-316-2432, 3165583

Address:

8950 Cypress Waters Blvd

Dallas, TX 75019

SPOC Fax:

214-488-1993

Please use the fax number listed above as the preferred way to send me documents.

The Office of Housing and Urban Development (HUD) provides support to a nationwide network of Housing Counseling Agencies (HCA) and counselors. HCAs are trained and approved to provide tools to current and prospective homeowners so they can make responsible choices to address their housing needs in light of their financial situations, If your client needs a "financial coach" in their corner, please feel free to reach out to HUD for approved counseling agency contact information at <a href="https://www.hud.gov">www.hud.gov</a> or by calling 800-569-4287. Your client may also contact the HOPE Hotline at 888-995-HOPE (4673) and ask for assistance.

#### What do I need to do?

To keep your client's account up to date, it would be very helpful if we could talk and explore their options. Please reach out to me as soon as it is convenient to you or your client. If I am on the phone assisting other customers, please feel free to leave me a message or visit with any of my fellow Dedicated Loan Specialists. They have access to your client's loan information and will be happy to assist you or your client on my behalf. Our hours of operation are Monday through Thursday 7 am to 9 pm (CT), Friday 7 am to 6 pm (CT) and Saturday 8 am to 12 pm (CT).

We know the importance of home ownership and appreciate the opportunity to help you.

Sincerely,

Gary Marks Mr. Cooper

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New York Residents: Nationstar Mortgage LLC d/b/a Mr. Cooper is licensed by the New York City Department of Consumer Affairs License Number: 1392003. If you believe a Loss Mitigation request has been wrongly denied, you may file a complaint with the New York State Department of Financial Services at 800-342-3736 or www.dfs.ny.gov.

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S950 Cypress Waters Blvd.
CHANGING THE EXCELS HOME LOAMS
Dallas, TX 75019

LYPE

41903505.56
SEAN MURRAY
PO BOX 1110
ALBANY, NY 12201

Contract

ALIONSTAR IS NOW COOLOR
CHANGINGTHERACE OF HOM

U.S. POSTAGE PAID
44101
PERMIT NO. 965

12/6/17

**OUR INFO** ONLINE:

www.mrcooper.com

YOUR INFO LOAN NUMBER 9916

PROPERTY ADDRESS 3521 79th Street 4e Jackson Heights, NY 11372



SEAN MURRAY PO BOX 1110 ALBANY, NY 12201

#### Dear SEAN MURRAY:

Why am I receiving this letter?

My name is Priscilla Lyons and as of 12/6/17, I am your client's <u>new</u> Dedicated Loan Specialist.

As you know my role is to serve as your client's single point of contact (SPOC) and help your client with any issues they may have making their mortgage payment. Here's my contact information:

SPOC Name:

Priscilla Lyons

SPOC Phone/Ext.:

866-316-2432, 3784764

Address:

8950 Cypress Waters Blvd

Dallas, TX 75019

SPOC Fax:

214-488-1993

Please use the fax number listed above as the preferred way to send me documents.

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# What do I need to do?

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Sincerely,

Priscilla Lyons Mr. Cooper

PLEASE BE ADVISED THIS COMMUNICATION IS SENT FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED AS AN ATTEMPT TO PLEASE BE ADVISED THIS COMMUNICATION IS SENT FOR INFORMATIONAL PURPOSES UNLY AND IS NOT INTENDED AS AN ATTEMPT TO COLLECT, ASSESS, OR RECOVER A CLAIM AGAINST, OR DEMAND PAYMENT FROM, ANY INDIVIDUAL PROTECTED BY THE U.S. BANKRUPTCY CODE. IF THIS ACCOUNT HAS BEEN DISCHARGED IN A BANKRUPTCY PROCEEDING, BE ADVISED THIS COMMUNICATION IS FOR INFORMATIONAL PURPOSES ONLY AND NOT AN ATTEMPT TO COLLECT A DEBT AGAINST YOU; HOWEVER, THE SERVICER/LENDER RESERVES THE RIGHT TO EXERCISE THE LEGAL RIGHTS ONLY AGAINST THE PROPERTY SECURING THE LOAN OBLIGATION, INCLUDING THE RIGHT TO FORECLOSE ITS LIEN UNDER APPROPRIATE CIRCUMSTANCES. NOTHING IN THIS CORRESPONDENCE SHALL BE CONSTITUTED AS AN ATTEMPT TO COLLECT AGAINST THE PROPROMED RESERVED DAY OF AN ATTEMPT TO COLLECT AGAINST THE PROPROMED RESERVED DAY OF AN ATTEMPT TO COLLECT AGAINST THE PROPROMED RESERVED DAY OF AN ATTEMPT TO COLLECT AGAINST THE PROPROMED RESCONDED TO THE DAY OF AN ATTEMPT TO COLLECT AGAINST THE PROPROMED RESCONDED TO THE DAY OF AN ATTEMPT TO COLLECT AGAINST THE PROPROMED RESCONDED TO THE TIME PROPROMED TO COLLECT AGAINST THE PROPROMED RESCONDED TO THE TIME PROPROMED TO COLLECT AGAINST THE PROPROMED THE TOTAL THE PROPROMED THE PRO CONSTRUED AS AN ATTEMPT TO COLLECT AGAINST THE BORROWER PERSONALLY OR AN ATTEMPT TO REVIVE PERSONAL LIABILITY.





New York Residents: Nationstar Mortgage LLC d/b/a Mr. Cooper is licensed by the New York City Department of Consumer Affairs License Number: 1392003. If you believe a Loss Mitigation request has been wrongly denied, you may file a complaint with the New York State Department of Financial Services at 800-342-3736 or www.dfs.ny.gov.

New York Residents Income Disclosure: If a creditor or debt collector receives a money judgment against you in court, state and federal laws may prevent the following types of income from being taken to pay the debt: supplemental security income (SSI); social security; public assistance (welfare); spousal support, maintenance (alimony) or child support; unemployment benefits; disability benefits; workers' compensation benefits; public or private pensions; veterans' benefits; federal student loans, federal student grants, and federal work study funds; and ninety percent of your wages or salary earned in the last sixty days.



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> SEAN MURRAY ALBANY, NY 12201 PO BOX 1110 CHANGING THE FACE OF HOME LOAKS 8950 Cypress Waters Blvd. Dallas, TX 75019 54141789.749 TA COME TO OF AN

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U.S. POSTAGE PAID 44101 PERMIT NO. 965 FIRST-CLASS MAIL



1775 Wehrle Drive, Suite 100 Williamsville, New York 14221 Phone (716)204-1700 Fax (716)204-1702 http://www.GrossPolowy.com/

February 13, 2018

## REGULAR MAIL AND CERTIFIED MAIL--RETURN RECEIPT REQUESTED

Sean Murray PO Box 1110 Albany, NY 12201-1110

Re:

- 19508 6246

CaseGen: Premises:

35-21 79TH STREET, UNIT 4E, JACKSON HEIGHTS, NY 11372

## Dear Sean Murray:

This office is counsel to Specialized Loan Servicing in the above matter. Due to your failure to make payments due under the note, Specialized Loan Servicing has declared the above referenced loan in default and has authorized the sale by public auction of the security consisting of 439 shares of common stock in 35-21 79 St. Tenants Corp. and all rights title and interest in and to a proprietary lease between corporation and debtor for UNIT 4E in a building known as and by the street address 35-21 79TH STREET, UNIT 4E, JACKSON HEIGHTS, NY 11372 together with fixtures and articles of personal property now or hereafter affixed to or used in connection with UNIT 4E that it holds as collateral for the debt, the estimated value of which is \$251,699.95.

Please take notice that the pursuant to section 9-610 [NYCLS] of the Uniform Commercial Code and the terms of the Security Agreement executed by you on March 20, 2008, the stock in the cooperative will be sold by auction at a public sale, on March 21, 2018 at 10:00AM at Queens County Courthouse in Courtroom # 25 on a Friday at 10:00 A.M.\*\* 88-11 Sutphin Boulevard, Jamaica, New York by Kim Carrino. A copy of the notice of sale is attached hereto. The terms of sale will be available at sale or from this office upon request.

If you wish to protect your interest in the collateral, you are urged to remit the full balance due before the scheduled sale date, and to promptly notify this office. The balance due as of this letter is:

Principal	\$168,282.10
Interest at 5.875% from 08/01/2014 up to	
and including 03/21/2018 (1,302 days)	\$36,553.18
Escrow Advance	\$13,042.07
Late Charges	\$925.60
Outstanding Fees	\$32,897.00
Total due as of the date of this notice	\$251,699.95

In addition, you are responsible for all costs and disbursements permitted by law. Call this office for exact figures of the total amount due before remitting a certified check payable to GROSS POLOWY, LLC

If there is any deficiency due after the sale you will be liable for payment of that amount.

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Despite this demand for payment, if any portion of this claim is disputed, you must notify us in writing, within 30 days, indicating the nature of the dispute as to the amount due or any part thereof. If we do not hear from you within 30 days, we will assume the debt to be valid as stated in this letter. If you indicate a dispute, we will provide you with the evidence concerning the validity of the debt. Upon your written request, and within the 30-day period, we shall provide you with the name and address of the original creditor if different from the current creditor. In addition, you are entitled to an accounting of the unpaid indebtedness.

If you have any questions, please contact this office.

Very truly yours,

GROSS POLOWY, LLC Attorney for Specialized Loan Servicing

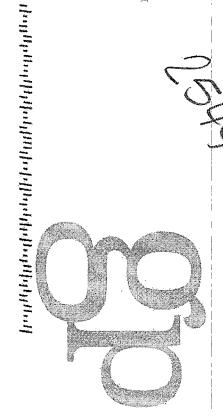


The law firm of Gross Polowy, LLC and the attorneys whom it employs are debt collectors who are attempting to collect a debt. Any information obtained by them will be used for that purpose.

16-000246 1775 Wehrle Drive, Suite 100 Williamsville, New York 14221

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# PUBLIC AUCTION NOTICE OF SALE OF COOPERATIVE APARTMENT SECURITY

BY VIRTUE OF DEFAULT in a security agreement executed on March 20, 2008 by Sean Murray, Debtor, and in accordance with its rights as holder of the security, NATIONSTAR MORTGAGE LLC, by Kim Carrino, Auctioneer, DCA # 1004275 will conduct a public sale of the security consisting of 439 shares of common stock in 35-21 79 St. Tenants Corp., and all rights title and interest in and to a Proprietary Lease between said corporation and debtor for Apartment 4E in a building known as and by the street address, 35-21 79TH STREET, UNIT 4E, JACKSON HEIGHTS, NY 11372 together with fixtures and articles of personal property now or hereafter affixed to or used in connection with Apartment 4E on March 21, 2018 at 10:00AM on the front steps of the Queens County Supreme Court Building, 88-11 Sutphin Blvd., Jamaica. NY, in satisfaction of an indebtedness in the principal amount of \$168,282.10 plus interest from 08/01/2014 and costs, subject to open maintenance charges. The secured party reserves the right to bid. Ten percent (10%) deposit by bank or certified funds required at Auction, payable to the attorneys for the secured party. Closing within 30 days. Such sale shall be subject to the terms of sale.

GROSS POLOWY, LLC 1775 Wehrle Drive, Suite 100 Williamsville, NY 14221 (716)204-1700 ATTORNEYS FOR SECURED CREDITOR

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Pology

1775 Wehrle Drive, Suite 100
Williamsville, New York 14221

FIRST-CLASS MAIL

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SEAN MICHAEL MURRAY P.O. BOX 1110 ALBANY, NEW YORK 12201-1110 U.S.A.

Saturday, February 24, 2018

# NOTICE OF DISPUTE, ERROR AND QUALIFIED WRITTEN REQUEST FOR SUBSTANTIATION AND ORIGINAL CREDITOR INFORMATION

John J. Ricciardi, Esq. Steven Rosenfeld, Esq. GROSS POLOWY LLC 1775 Wehrle Drive, Suite 100 Williamsville, New York 14221 SENT REGULAR MAIL & FAX (716) 204-1702 CERTIFIED MAIL # 7012 3050 0001 5292 5862 RETURN RECEIPT REQUESTED

Specialized Loan Servicing LLC P.O. Box 630147 Littleton, CO 80163-0147

Notices of Error and Requests for Information (Including Qualified Written Requests)

TOBY WELLS

CEO

SPECIALIZED LOAN SERVICING, LLC 8742 LUCENT BLVD STE 300

HIGHLANDS RANCH, CO 80129

9508 Re: CaseGen: 16-006246

Premises:

35-21 79TH STREET, UNIT 4E

JACKSON HEIGHTS, NY 11372

DONALD H. LAYTON

**CEO** 

FREDDIE MAC

8200 Jones Branch Drive

McLean, VA 22102

JAY BRAY PRESIDENT AND CEO

**NATIONSTAR** 

8950 Cypress Waters Blvd.

Dallas, TX 75019

PATRICK J. BURKE

PRESIDENT AND CEO

HSBC BANK U.S.A., NA

1800 Tysons Boulevard

Suite 50

McLean, VA 22101

Loan No.:

Loan No.:

1268

SENT REGULAR MAIL & FAX (972) 459-1611

9916

ROBERT B. CROWL

PRESIDENT AND CEO

PHH CORPORATION, PHH MORTGAGE

1 Mortgage Way/ 3000 Leadenhall Road

Mount Laurel, NJ 08054

Loan No.:

- 1. This letter is in acknowledgment of your offices' unsigned letter, dated February 13, 2018, herein attached and incorporated by reference.
- 2. This is a "notice of error" and "request for information" pursuant to the Real Estate Settlement and Procedures Act (section 2605(e)), subject to the response period set out in Regulation X, 12 C.F.R.§ 1024.35(e)(3)(i)(B).

# 3. Notice of Error "NOE":

- a. Dual-Tracking Errors and Violations of the Automatic Stay and Discharge Injunction: On January 15, 2018, SEAN M. MURRAY served on the court a LOSS MITIGATION REQUEST - BY DEBTOR in the Eastern District of New York Bankruptcy case # 1-17-44157-ess. This request was received by NATIONSTAR MORTGAGE LLC before transfer of servicing rights and before GROSS POLOWY LLC initiated foreclosure on behalf of SPECIALIZED LOAN SERVICING, LLC on February 13, 2018 against my property by sending a notice of sale. This action was taken in violation of Regulation X, 12 C.F.R.§ 1024.41(f)(2) and the automatic stay and discharge injunction under 11 U.S.C. § 362(a) & 524(a)(2)(3) despite the pending loss mitigation hearing in front of Judge Elizabeth Stong April 5, 2018 at 3pm. To correct this error, you should immediately cancel the scheduled foreclosure sale and any related legal advertisement of the sale.
- b. HSBC, PHH and Nationstar have failed to comply with previous notices of error and requests for information. Attorney fees and expenses have been incurred to defend foreclosure actions that should not have been initiated or continued if they had properly investigated previous notices of error. Hammer v. Residential Credit Sols., Inc., 2015 WL 7776807 (N.D. Ill. Dec. 3, 2015) (borrower would not have had to incur attorney fees if servicer had properly investigated the borrower's QWR and dismissed the second foreclosure proceeding).
- c. To the extent late fees, appraisal fees, broker price opinion fees, property inspection/preservation fees, legal fees, recoverable corporate advances, and other fees or costs were charged to the mortgage account in connection with the notice of default and claim that the account is in default, this letter is to dispute such fees and costs and specifically request that the account be corrected to delete such fees and costs.
- d. Notice of Transfer of Servicing was not received 15 days before or after transfer from either the previous or successor servicer. Compliance with applicable law, including but not limited to RESPA, TILA, FDCPA. FCRA, is a condition precedent to initiation of non-judicial foreclosure proceedings, such as UCC sales of (the) Proprietary Lease(s) and Share(s) in Cooperative Living Corporation(s). NATIONSTAR MORTAGAGE LLC and it's successor SPECIALIZED LOAN SERVICING, LLC have failed and refused to comply with provisions and rules under RESPA and the FDCPA, a condition precedent to foreclosure, and as such should cancel the sale and advertising of the shares and lease.
- e. Payment Errors: NATIONSTAR MORTGAGE LLC and successor in-interest SPECIALIZED LOAN SERVICING, LLC have failed to credit the full pay-off made on August 10, 2017, in the amount of \$238,176.42, pursuant to the August 8, 2017 Response to Payoff Request issued by GROSS POLOWY LLC on Nationstar's behalf. The loan was paid in full before the filing of the bankruptcy mentioned above in statement 3(a). To correct this error a certificate of satisfaction of mortgage should be filed in Queens County Clerk's Office. All liens should be released in relation to the unit, lease and shares.

# 4. Request For Information "RFI":

- a. Please verify, substantiate and validate this debt as required by 12 USC §2605(e)(1)(B), the Fair Debt Collection Practices Act (FDCPA) (section 1692g), New York State Debt Collection Procedure Law (23 NYCRR 1) and New York City Administrative Code (section 20-493.2), or provide clear and conspicuous written instructions on how to request substantiation of the debt.
- b. Provide verification and documentation that there is a valid basis for claiming that I am required to pay the debt to the current creditor. For example, can you provide documentation of the perfected valid, enforceable lien and/or security interest or that the debt has not been discharged in bankruptcy?
- c. If this debt started with a different creditor, provide the name and address of the original creditor, the account number used by that creditor, and the amount owed to that creditor at the time it was transferred. When you identify the original creditor, please provide any other name by which I might know them, if that is different from the official name. In addition, tell me when the current creditor obtained the debt and who the current creditor obtained it from. If there have been any additional interest, fees or charges added since the last billing statement from the original creditor, provide an itemization showing the dates and amount of each added amount. In addition, explain how the added interest, fees or other charges are expressly authorized by the agreement creating the debt or are permitted by law.
- d. Provide a Master Summary Statement, running balance statement (KLLT) and contact or call logs for each servicer, starting with HSBC MORTGAGE CORPORATION (USA) to HSBC BANK N.A. (USA) to PHH MORTGAGE CORPORATION to NATIONSTAR MORTGAGE LLC to SPECIALIZED LOAN SERVICING, LLC.
- e. A schedule of all transactions credited or debited to the mortgage loan account, including any escrow account and any suspense account. This should include for each payment received or returned from January 1, 2008 to February 13, 2018, the amount of the payment, the date received, the date posted to the account, how or why the payment was applied, returned or credited (indicating the portion, if any, applied or credited to principal, interest, escrow, suspense or other treatment), and the month to which the payment was applied. If interest is calculated using a daily accrual accounting method, indicate for each payment the number of days that lapsed from the prior payment application date. The transaction codes used by each servicer's electronic servicing system that will assist in understanding the entries for transactions listed in the information provided in response to this request.
- f. Provide accurate information regarding loss mitigation options available to a borrower from the owner or assignee of the borrower's mortgage loan; and Identify with specificity all loss mitigation options for which borrowers may be eligible pursuant to any requirements established by an owner or assignee of the borrower's mortgage loan. Reg. X, 12 C.F.R. § 1024.38(b)(2).
- 5. I have asked for this information because I have some questions. I need to hear from you to make an informed decision about your claim that I owe this money or when to take costly defensive action. I am open to communicating with you for this purpose. In order to make sure that I am not put at any disadvantage, in the meantime please treat this debt as being in dispute and under discussion between us.
- 6. GROSS POLOWY LLC, NATIONSTAR MORTGAGE LLC and SPECIALIZED LOAN SERVICING, LLC are "debt collectors" pursuant to 15 USC §1692a (6), 15 USC §1681n. SEAN MURRAY is a "consumer" as that term is defined in 15 USC §1692a (3), 15 USC §1681.

- 7. A borrower may request copies of the documents and information relied upon by the servicer in making a determination that no error occurred. If the request is made, the servicer must provide, at no charge, the documents and information within fifteen business days of receiving the borrower's request for such documents. Reg. X, 12 C.F.R. § 1024.36(e)(4).
- 8. If you wish to cure the violation of the bankruptcy stay/discharge injunction, send a settlement agreement and \$5000 to the address on the top right of the first page of this letter by March 6, 2018 and comply with the corrections regarding the auction sale and advertising.
- 9. All errors and omissions are excepted.

Enclosures (Redacted Loss Mitigation Request 2 pages)
(GROSS POLOWY LLC Notice of Sale 2 pages)

Executed on Saturday, February 24, 2018.

Murray, Sean Michael - office of executor SEAN/MICHAEL MURRAY ESTATE a.k.a. SEAN MURRAY

# Uniform Certificate of Acknowledgment:

State of New York)

) ss County of Queens )

On the to day of 24 in the year 2018 before me, the undersigned, personally appeared 220 M. Murcy personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and office of individual taking acknowledgment

LINA M ATEHORTUA

Notary Public, State of New York

No. 01AT6263977

Qualified in Queens County

Commission Expires June 25, 2021



1775 Wehrle Drive, Suite 100 Williamsville, New York 14221 Phone (716)204-1700 Fax (716)204-1702 http://www.GrossPolowy.com/

March 6, 2018

Sean M. Murray P.O.Box 1110 Albany, NY 12201

Re:

Sean M Murray

Property:

3521 79th Street, Unit 4E, Jackson Heights, NY 11372

Lender/Servicer:

Specialized Loan Servicing LLC

Case No.

17-44157-ess

Loan No.

...9508

Dear Mr. Murray:

My firm represents Specialized Loan Servicing LLC .regarding the above referenced property.

This letter is to inform you, as per the Servicer, the instant loan is a Freddie Mac loan, and in relation to this loan, the Servicer does not need financial information for a loan modification review.

The Servicer shall review the file and advise as to the result. If there are any questions, please feel free to contact me directly at (716)-253-6200.

Very truly yours,

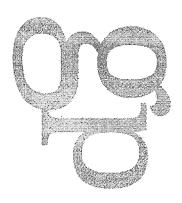
By: /s/: Deborah Turofsky, Esq.

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Scan M. Muray
P.O. Box 1110

Albany, Ny 17201









SOO.47

From: Deborah Turofsky dturofsky@grosspolowy.com

Subject: RE: Loss Mitigation 35-21 79th St Apt 4E SEAN M MURRAY

Date: March 13, 2018 at 3:10 PM

To: Sean-Michael:Murray seanmurray@prodigy.net

Cc: Wayne W. Schwartzkopf@grosspolowy.com, Nicole L. Greene (x1728) ngreene@grosspolowy.com



#### Good afternoon Sean.

Thank you for reaching out to me. I have confirmed that the sale of the unit has been cancelled. The matter is scheduled for April 5th, 2018 before Judge Stong for a loss mitigation hearing.

For your information, your Response to Loss Mitigation Order Dated 2/23/18 states your e-mail address incorrectly. Please update to ensure your receive all communications.

If you have any other questions or concerns please feel free to reach out to me.

Thank you.

Deborah Turofsky Associate Attorney

900 Merchants Concourse, Suite 412 Westbury, NY 11590 Direct: 716 253 6200 Fax: 716 650 3234 dturofsky@grosspolowy.com

----Original Message-----

From: Sean-Michael:Murray [mailto:seanmurray@prodigy.net]

Sent: Monday, March 12, 2018 10:08 PM

To: Deborah Turofsky <dturofsky@grosspolowy.com>

Subject: Loss Mitigation 35-21 79th St Apt 4E SEAN M MURRAY

Hi Deborah,

Please find attached the GROSS POLOWY LLC Notice of Sale dated 2/13/2018 and the QWR in response dated 2/24/2018. Also attached is a letter in response to the LOSS MITIGATION ORDER, docket #34, dated 2/23/2018 by Judge Stong, naming NationStar Mortgage LLC, d.b.a Mr. Cooper, d.b.a Specialized Loan Servicing as party to Loss Mitigation in EDNY Bankruptcy case 1-17-44157-ess.

#### SEAN M. MURRAY

Federal law requires us to advise you that communication with our office could be interpreted as an attempt to collect a debt and that any information obtained will be used for that purpose.

## CONFIDENTIALITY NOTICE:

This e-mail and the documents accompanying this transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individuals or entities named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this e-mailed information is strictly prohibited. If you have received this e-mail in error, please immediately notify the sender by e-mail at the address above. The transmission is to be deleted and any items that may have been printed are to be destroyed. Thank you for your compliance.

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P.O. BOX 1110 ALBANY, NEW YORK 12201-1110 U.S.A.

Monday, March 12, 2018

# RESPONSE TO LOSS MITIGATION ORDER DATED 2/23/2018

Deborah Turofsky, Esq. GROSS POLOWY LLC 1775 Wehrle Drive, Suite 100 Williamsville, New York 14221

SENT VIA EMAIL

Specialized Loan Servicing LLC P.O. Box 630147 Littleton, CO 80163-0147 Notices of Error and Requests for Information (Including Qualified Written Requests)

TOBY WELLS

CEO

SPECIALIZED LOAN SERVICING, LLC 8742 LUCENT BLVD STE 300

HIGHLANDS RANCH, CO 80129

Re: 9508 CaseGen: 16-006246

Premises: 35-21 79TH STREET, UNIT 4E

**JACKSON HEIGHTS, NY 11372** 

DONALD H. LAYTON

CEO

FREDDIE MAC

8200 Jones Branch Drive

McLean, VA 22102

JAY BRAY PRESIDENT AND CEO NATIONSTAR 8950 Cypress Waters Blvd.

Dallas, TX 75019

Loan No.:

9916

- 1. This letter is in acknowledgment of the LOSS MITIGATION ORDER dated 2/23/2018 by Judge Stong, and to memorialize the phone call between Deborah Turofsky and SEAN M. MURRAY 3/12/2018 at 11:20am, where Loss Mitigation and the 2/13/2018 Notice of Sale by GROSS POLOWY LLC on behalf of SPECIALIZED LOAN SERVICING, LLC in violation of the discharge injunction and pending LOSS MITIGATION HEARING scheduled for 4/5/2018, were discussed. Pursuant to this phone call, this letter is to provide contact information and a request to schedule a Loss Mitigation Session in compliance with the above mentioned order.
- 2. SEAN M. MURRAY having authority to settle can be contacted via email at <a href="mailto:seanmurray@prodigy.net">seanmurray@prodigy.net</a>, P.O. BOX 1110, ALBANY, NEW YORK 12201, and 917.330.9284.

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3. A Qualified Written Request for Information and Notice of Error was served on SPECIALIZED LOAN SERVICING, LLC 2/24/2018 by certified mail requesting information and giving notice of servicing errors, violations of the discharge injunction and debt collection procedure law.

Enclosures: (GROSS POLOWY Notice of Sale 2/13/2018) Executed on Monday, March 12, 2018. (SMM QWR 2/24/2018)

/s/ Sean M. Murray
SEAN M. MURRAY



